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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,946	11/18/2005	Jan Frode Haaland	HAMS/0002	6880

EXAMINER	
NGUYEN, TUYEN T	

ART UNIT	PAPER NUMBER
2832	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,946	Applicant(s) HAALAND, JAN FRODE	
	Examiner TUYEN T. NGUYEN	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/8/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ceiling panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 4-5 and 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant should clarify the structure/arrangement of the panel and/or ceiling panel. From the specification and drawings, it is unclear whether or not the panel and ceiling panel are the same as the ceiling 6. Applicant should clarify.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, as best understood in view of the rejection under 112 second paragraph, are rejected under 35 U.S.C. 102(e) as being anticipated by Schubert et al. [US 6,505,960 B2].

Schubert et al. discloses a holder device for a safety transformer [135] for use in flush mounted electrical installations of extra low voltage, comprising:

- one or more fittings [105, 150] to hold the safety transformer in proximity of an electricity consumer object [figure 1], the safety transformer and the electricity consumer object being detachable through amounting aperture of an anchoring object [ceiling 270] characterized in that the safety transformer is connected to a piece of the one or more fitting [105], the piece of the one or more fitting being arranged to hold the safety transformer at a horizontal distance from the electricity consumer object and at a vertical distance from the anchoring object.

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Regarding claims 2-3, Schubert et al. disclose the piece of fitting is connected to the electrically consumer object and the anchoring object.

Regarding claims 4-5, examiner assumes that the panel/ceiling panel are the same as the ceiling based on the 112 second paragraph rejection. Schubert discloses the ceiling, as claimed.

Regarding claim 6, Schubert et al. discloses a portion of the one or more fittings located below the safety transformer and configured to space the safety transformer at a vertical distance from the ceiling.

Claims 1-13 and 20, as best understood in view of the rejection under 35 USC 112 second paragraph, are rejected under 35 U.S.C. 102(b) as being anticipated by Guth, Jr. [US 3,683,173].

Guth, Jr. discloses a lighting system comprising:

- a flush mounted lighting fixture [figure 1] configured to be located in an aperture of a panel [ceiling 1] and coupled to the panel;
- a safety transformer [3];
- an electric consumer object [figure 2] configured to be removably couple to the lighting fixture;
- a connecting structure [4 and figure 2] configured to electrically couple the safety transformer to the electric consumer object; and
- one or more fitting [13, 14, 10] configured to secure the safety transformer to the flush mounted lighting fixture, wherein the one or more fittings are configured to secure the safety transformer at a distance from both the panel and the electric consumer object.

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Regarding claims 4-5, , examiner assumes that the panel/ceiling panel are the same as the ceiling based on the 112 second paragraph rejection. Guth, Jr. discloses the ceiling, as claimed.

Regarding claims 6-7 and 11-13, Guth, Jr. discloses the safety transformer located above a portion of the one or more fittings wherein the one or more fittings secure the safety transformer at a vertical distance from the panel and at a horizontal distance from the electric consumer object.

Regarding claims 8-9 and 20, Guth, Jr. discloses the safety transformer and the electric consumer object are detachable through one side of the mounting aperture of the panel.

Claims 10-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ullman [US 4,459,648].

Ullman discloses a lighting system comprising:

- a flush mounted lighting fixture [figure 1] of extra low voltage configured to be located in an aperture of a panel [12] and coupled to the panel;
- a safety transformer [19, 21] for reducing the voltage from a supply wire to the lighting fixture;
- an electric consumer object [24] configured to be removably coupled to the lighting fixture;
- one or more fittings [10, 23] configured to secure the safety transformer to the flush mounted lighting fixture, wherein the one or more fittings are configured to secure the safety transformer at a distance from both the panel and the electric consumer object in order to reduce fire risk.

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Regarding claim 11, Ullman discloses the one or more fittings secure the safety transformer at a vertical distance from the panel.

Regarding claim 13, Ullman discloses a portion of the one or more fittings located below the safety transformer and configured to engage the panel and space the safety transformer at a vertical distance from the panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guth, Jr.

Guth, Jr. discloses a plurality of mounting L-brackets [10] and mounting structure [5] incorporated with the panel [ceiling], the safety transformer and the electric consumer object.

Guth, Jr. discloses the instant claimed invention except for the specific structure/arrangement the L mounting brackets.

The specific structure/arrangement of the mounting brackets would have been an obvious design consideration for the purpose of providing easy mounting/connecting/assembling.

Response to Arguments

Applicant's arguments filed 5/8/2007 have been fully considered but they are not persuasive.

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Applicant argues that Schubert et al. fails to disclose one or more fittings being arranged to hold the safety transformer at a distance from the electric consumer object and at a vertical distance from the anchoring object.

The examiner disagrees.

Schubert et al. discloses the safety transformer [135] being arranged at a distance from the electric consumer object [figure 1] and at a vertical distance [via the fitting 105] from the anchoring object [ceiling 270, figure 7].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUYEN T. NGUYEN whose telephone number is 571-272-1996. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ELVIN ENAD can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN *TN*



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